UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,712	12/20/1999	UMESH J. AMIN	1999-0585(AW	2719

7590 04/23/2002

SAMUEL H DWORETSKY AT&T CORP
AT&T CORP
P O BOX 4110
MIDDLETOWN, NJ 07748

EXAMINER
TRAN, CONGVAN

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/467,712	Applicant(s) AMIN ET AL.	
	Examiner Congvan Tran	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 December 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,8-14,16,17,19,21,23-26,28-31,34,36-38,43,48,50-53 and 55-57* is/are rejected.

7)☒ Claim(s) *4,6,7,15,18,20,22,27,32,33,35,39-42,44-47,49,54 and 58* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 December 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1, 19, 23, 26, 28, 30, 38, 43, 50, 52-53, 55, 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Bartle et al. (6,188,888).

Regarding claim 1, Bartle discloses a charging unit and wireless telephone having multi-number call for warding comprising the steps of determining the proximity of a first telephone to a second telephone (see fig.2, elements 102, 103, 120, col.5,

lines 7-19); initiating the transfer of call from the first telephone to the second telephone in response to the proximity (see fig.2, elements 102, 103, 120, 150, col.5, lines 14-19); receiving calls on the second telephones (see col.5, lines 30-33).

Regarding claims 19, 23, Bartle further discloses the authorizing the call transfer prior to receiving (see fig.2, element 152, and its description).

Regarding claims 26, 28, 55, 57, Bartle further discloses the first telephone is a portable mobile telephone (see fig.2, element 103) and the second telephone has a predetermined fixed position (see fig.2, element 120) in which determining includes determining that the proximity of the portable telephone to the fixed position of the second telephone(see fig.2, elements 103, 120, 150, col.5, lines 14-19).

Regarding claim 30, 52-53, Bartle discloses a charging unit and wireless telephone having multi-number call for warding comprising a first telephone connected to the communication network (see fig.2, element 103 and its description); a second telephone connected to the communication network (see fig.2, elements 102, 120 and its description); a call transfer mechanism for transferring telephone calls from the first telephone to the second telephone in response to proximity of the first telephone to the second telephone (see fig.2, elements 102, 103, 120, col.5, lines 20-41).

Regarding claims 38, 50, Bartle further discloses the communications network includes a mobile switch center to accept the proximity determination, said MSC initiating a call transfer from said second telephone, to said first telephone, in response to proximity determination (see fig.2, element 106, col.4, line 36-col.5, line 41)

Regarding claim 43, Bartle further discloses said first telephone further includes a logic module to accept the proximity determination, said first telephone logic module initiating a call transfer from said second telephone to said first telephone in response to the proximity determination (see fig.2, elements 102, 103, 120, col.5, lines 20-41).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2, 3, 34, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartle et al. (6,188,888) in view of Hayashin et al. (6,144,318).

Regarding claims 2, 34, Bartle discloses all the subject matters described in rejected claims 1 and 30, except for the first telephone includes a wireless location receiver. However, Hayashin discloses a navigation system that uses position of mobile unit to make call management decisions comprising a telephone includes a wireless location receiver, and in determining the proximity of the first to the second telephone using wireless location receiver data (see fig.1, element 2, col.4, lines 44-48). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Hayashin's wireless location receiver in Bartle's the system to allow the device to figure out precisely where it is on earth.

Regarding claims 3, 36, Hayashin further discloses the wireless location receiver is selected from the group consisting of GPS and short range position beacon receiver (see fig.1, elements 21, 22 and col.4, lines 44-48).

4. Claims 5, 9-10, 16, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartle et al. (6,188,888) in view of Hayashin et al. (6,144,318) in further view of Aldermeshian et al. (5,745,850).

Regarding claims 5, 9, 16, 37, Bartle and Hayashin disclose all the subject matters described in rejected claims 1 and 3, except for determining includes the first telephone collecting positional data to determined its proximity to the second telephone. However, Aldermeshian discloses an apparatus and method for mobile telephone call handover and impersonation in the determining includes the first telephone collecting positional data to determined its proximity to the second telephone (see fig. 6, elements 610, 603, 613, see col.13, lines 7-50). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Aldermeshian's proximity control unit in Bartle and Hayashin's invention in order to determine proximity to the near telephone and to enable the exchange of control information between a wireless telephone handsets in short range radio channel.

Regarding claim 10, Aldermeshian further discloses the determining includes the short range transceivers being selected from group consisting of Bluetooth, infra-red, Home RF, wireless LAN, and radio transceivers (see col.4, lines 34 47).

5. Claims 11-13, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartle et al. (6,188,888) in view of Shaughnessy et al. (5,928,325).

Regarding claims 11, 31, Bartle et al. disclose all the subject matters described in rejected claim 1 and , except for the communication network includes a position node, mobile switching center, and a base station. However, Shaughnessy discloses a method of dynamically establishing communication of incoming messages to one or more user devices presently available to an intended recipient including a position node, mobile switching center, and a base station, in which determining includes the PN tracking the proximity of the mobile, and initiating includes the MSC paging telephone (see abstract, fig.1, elements 31, 33, col.2, lines 22-46). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Shaughnessy's proximity detector in Bartle's invention to detect the close mobile stations in order to forward the incoming call to predetermined unit for improving in telecommunication system.

Regarding claims 12-13, Shaughnessy further disclose the MSC automatically initiating the call transfer (see fig.1, col.1, lines 62-67).

6. Claims 14, 17, 21, 48, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartle et al. (6,188,888).

Regarding claims 14, 21, 48, 51, Bartle et al. disclose all the subject matters described in rejected claims 1, 19, 30 and 43, except for using a star feature code, private code. However, star code and private code is well known and has been use

widely in telecommunication systems. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use these features to response to predetermined number to initiate command mode.

Regarding claim 17, although, Bartle does not clearly disclose nullifying the received call. However, It is inherent for the system to nullify the received call before transferring the message to another predetermined unit.

7. Claims 24-25, 29, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartle et al. (6,188,888) in view of Lygas (6,236,868).

Regarding claims 24-25, 29, Bartle et al. disclose all the subject matters described in rejected claim 1, except the second telephone is an automobile mounted wireless telephone. However, Lygas discloses an apparatus for sensing the presence of a mobile telephone in its holder including the second telephone is an automobile mounted wireless telephone, in which determining that the proximity of the portable telephone to the auto-mounted telephone meets a predetermined threshold (see fig.1, fig.2. col.4, lines 20-51). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Lygas' automobile mounted wireless telephone in Bartle's invention to detect the proximity of the portable telephone in order to improve in telecommunications system.

Regarding claim 56, Bartle et al. disclose all the subject matters described in rejected claim 30, except for second telephone mounted on mobile plat form. However, Lygas discloses an apparatus for sensing the presence of a mobile telephone in cluding the platform in which said second telephone mounted on mobile plat form (see fig.1-2

and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Lygas' telephone mounted on mobile plat form in Bartle's invention in order to improve in mobile communications system.

Allowable Subject Matter

8. Claims 4, 6, 7, 15, 18, 20, 22, 27, 32-33, 35, 39-42, 44-47, 49, 54, 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Congvan Tran whose telephone number is 703-305-4024. The examiner can normally be reached on monday-thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Congvan Tran
Examiner
Art Unit 2683

CT
April 19, 2002

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600